IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.189 OF 2007
WITH
NOTICE OF MOTION NO.39 OF 2007
IN
SUIT NO.3595 OF 2006

Gregory Xavier Almeida. ..Plaintiff.

V/s.

M/s. Survin Development Corpn. ..Defendant.

And

Vishesh Surendra Kambli. ..Respondent.

Mr.J.J.Shah for plaintiff.

Mr.P.A.Sawant for defendant.

Mr.A.R.Bamne for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 10, 2007.

P.C. :

1. Having considered rival submissions and going through the case of the respective parties stated on affidavit, in the interest of justice, this Chamber Summons deserves to be allowed in terms of prayer clause (a) to avoid multiplicity of proceeding and for the nature of claim of the parties. Accordingly, Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within one week from today.

2. Notice of Motion No.39 of 2007 be listed under caption ad-interim after amendment is carried out. The parties to exchang pleadings to be filed for limited purpose of ad-interim relief.

3. Reply to be filed by the newly added defendant before 18th April, 2007, rejoinder if any, on or before 21st April, 2007. Place this Notice of Motion under caption "ad-interim" on 24th April,2007. Pleadings to be filed in registry well in advance.